

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS GREENARCH,

Plaintiff,

v.

Case No. 2:17-cv-11922

District Judge Nancy G. Edmunds

Magistrate Judge Anthony P. Patti

RLI INSURANCE
COMPANY,

Defendant.

**ORDER GRANTING AS UNOPPOSED DEFENDANT'S MOTION TO
COMPEL SUBPOENAED RECORDS FROM WILLIAM BEAUMONT
HOSPITAL ROYAL OAK AND GRAY MEDICAL (DE 25) AND
CANCELLING HEARING NOTICED FOR MAY 8, 2018 (DE 30)**

Currently before the Court is Defendant's April 12, 2018 motion to compel subpoenaed records from Dr. Dana MacMillan, William Beaumont Hospital Royal Oak and Gray Medical, which has been referred to me. (DEs 25, 27.) On April 24, 2018, following an April 23, 2018 telephonic status conference with counsel for the parties, attorneys Tara Cannatella and David Palmiere, regarding, in part, this motion, I issued an order setting forth a briefing schedule and notice of hearing. (DE 30.) Nonparties Dr. Dana MacMillan, William Beaumont Hospital Royal Oak and Gray Medical were ordered to respond to Defendant's motion to compel on or before May 1, 2018, and counsel for Defendant was ordered to serve

a copy of the briefing schedule and notice of hearing on the nonparties. (*Id.*; see also DE 32 (Certificate of Service of Briefing Schedule and Notice of Hearing).) On April 25, 2018, Defendant withdrew this motion as to Dr. MacMillan only because Dr. MacMillan complied with the subpoena and produced the requested records. (DE 31.) However, Defendant's motion continued as to William Beaumont Hospital Royal Oak and Gray Medical. (*Id.*)

According to Defendant's motion, counsel for Defendant issued a record subpoena to Gray Medical on November 21, 2017, to produce all medical records pertaining to Plaintiff by December 5, 2017, and a record subpoena to William Beaumont Hospital Royal Oak on December 27, 2017, to produce all medical records pertaining to Plaintiff by January 10, 2018. (DE 25, 25-5, 25-6.) Defendant states that neither facility responded to those subpoenas. (DE 25 at 7.) Defendant seeks an order compelling the records custodians for these two nonparties to produce their complete medical files pertaining to Plaintiff within 7 days. (*Id.* at 9.) This motion has now been pending for three weeks and the requests have been pending since last year.

"A respondent opposing a motion must file a response, including a brief and supporting documents then available." E.D. Mich. LR 7.1(c)(1). To date, neither William Beaumont Hospital Royal Oak nor Gray Medical have responded

to Defendant's motion to compel, as ordered by the Court. Accordingly,

Defendant's motion to compel is **GRANTED as unopposed** as follows:

1. Nonparties William Beaumont Hospital Royal Oak and Gray Medical are ordered to respond to their respective subpoenas and produce their complete medical files pertaining to Plaintiff by **FRIDAY, MAY 11, 2018**.
2. Counsel for Defendant shall serve a copy of this Order on nonparties William Beaumont Hospital Royal Oak and Gray Medical forthwith, and confirm service by filing a certificate of service with the Court.

In addition, the hearing noticed for May 8, 2018 (DE30) is **CANCELLED**.

IT IS SO ORDERED.

Dated: May 3, 2018

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on May 3, 2018, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti